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REGULAR CITY COUNCIL MEETING

JUNE 25, 1984

PRESENT

Grant S. Nielson	Mayor
Craig Greathouse	Council Member
Kjell Jenkins	Council Member
Ruth Hansen	Council Member
Neil Dutson	Council Member
Don Dafoe	Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan	City Manager
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
Jim Fletcher	KNAK Radio
Martin Ludwig	City Resident
Leah Kauwe	City Resident
Kenneth Kauwe	City Resident

Mayor Nielson called the meeting to order at 7:00 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing and had been given to the Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the notice and agendas two days prior to the meeting.

Mayor Nielson explained there were no minutes or accounts payable to be approved at this Council Meeting.

CITY MANAGER JIM ALLAN: DISCUSSION OF IPA MONIES FOR ROAD IMPROVEMENT PROJECT

Jim Allan explained to the Council the importance of investing the \$500,000 received from Intermountain Power Agency (IPA) for the street improvement project so as to obtain the highest rate of interest possible. He further stated Attorney Peterson had questioned the appropriateness of committing the Class C road funds to assist in paying off the debt the City would incur by borrowing monies from the Utah Natural Resources Community Impact Board (CIB) in the amount of \$1.3 million for the street improvements project.

Mr. Allan further stated it had been recommended that the Class C road funds, which are estimated at approximately \$38,000 for this year, be used for part of the payment on the loan from CIB.

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Mr. Allen further stated he had met with Kim Young of Boettcher & Co. and asked him to check with Blaine Carlton, the Delta City bond attorney, on this issue. Mr. Allan said that use of the Class C road funds for partial repayment of the bond would be his recommendation.

Attorney Peterson was also requested to check on the legality of obligating the Class C road funds over a long period of time for the repayment of the bond.

Mayor Nielson stated that a general obligation bond could be issued and a bond election could be held for the purpose of increasing the mill levy for the purpose of repayment of the CIB loan; however, he felt it would be much simpler to issue a revenue bond to be repaid by use of the Class C road fund if this were possible.

Mayor Nielson recommended the loan be put on a 26 year repayment plan, which would then take only \$7500 out of the Class C road fund each year for the repayment, with the rest of it coming from the investment of the \$500,000 received from IPA.

Following further discussion of the issue, Council Member Don Dafoe MOVED to authorize City Manager Jim Allan and Mayor Nielson to go ahead with the investment of the \$500,000 conditioned on approval by Attorneys Peterson and Blaine Carlton of the legality of using a portion of the Class C road funds for repayment of the CIB loan and committing said funds over a long period of time. The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson then asked if there was any further discussion on the motion. There being none, he called for a vote. The voting was as follows:

Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes
Council Member Craig Greathouse	Yes
Council Member Ruth Hansen	Yes
Council Member Kjell Jenkins	No

Motion carried.

DENNIS WESTWOOD: DISCUSSION OF ANIMAL CONTROL CONTRACT AND DISCUSSION OF PROPOSED CONTRACT FOR SOLID WASTE

Mayor Nielson explained that Dennis Westwood was unable to be in attendance at the meeting and those agenda items would be held over for one more week.

MAYOR GRANT NIELSON: DISCUSSION REGARDING REQUEST MADE BY WHITE PINE CHAMBER OF COMMERCE FOR A REPRESENTATIVE FROM DELTA CITY TO BE ON THE I-70 NEGOTIATING COMMITTEE

Mayor Nielson presented the following letter for the review by the Council:

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June 21, 1984

Grant Nielson  
Mayor, City of Delta  
P.O. Box 401  
Delta, UT 84624

Dear Mr. Nielson,

As we discussed in our telephone conversation today, the I-70 Committee in White Pine County has appreciated the support from the Delta City Council, and we feel we are making progress with the project.

We are working with the Nevada Congressional Delegation to secure designation of I-70 to Ely. At this point, we would like to establish a working committee made up of representatives of the city councils from Ely and Delta, the county commissioners for White Pine and Millard Counties, and the chambers of commerce in Ely and Delta to coordinate efforts on the project. We would like to know if the Delta City Council would be interested in participating in the committee with us.

Thank you again for your interest in our project. We are looking forward to meeting with you in the future.

Sincerely,

/s/ Karen Rajala  
Economic Diversification  
Program Coordinator

KR:bjc

Following a brief discussion regarding the request from White Pine, Council Member Kjell Jenkins MOVED to appoint Council Member Don Dafoe as the Delta City representative on the White Pine I-70 negotiating committee. The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson asked if there was any further discussion on the motion. There being none, he called for a vote on the motion, which passed unanimously.

CITY ATTORNEY WARREN PETERSON: AIRPORT LEASE AGREEMENT

Attorney Peterson reviewed with the Council a letter received from the Federal Aviation Administration requesting extension of the FAA lease at the Delta airport. Attorney Peterson also discussed the proposed airport site lease with the Council, after which he recommended the Council accept the lease as written.

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Council Member Ruth Hansen then MOVED to accept the proposed airport lease. The motion was SECONDED by Council Member Kjell Jenkins. Mayor Nielson asked if there were any further questions or comments regarding the lease agreement. There being none, he called for a vote on the motion, which carried unanimously.

COUNCIL MEMBER NEIL DUTSON: MILLARD COUNTY LANDFILL

Council Member Neil Dutson told the Council he felt the City should review the proposed Millard County Landfill Project. This project, if completed as planned, will have an impact on the residents of Delta City as well as the County residents. Therefore, the City Council should participate in the preparation of the project. Mayor Nielson suggested the Council schedule a public hearing to receive public comment on the issue.

Council Member Kjell Jenkins asked if the County plans to increase the mill levy to fund this project. Council Member Dutson stated he would recommend the private sector be advised of the project and that Millard County request bids. There is a possibility the project can be done at less cost by private concern than by either the City or the County.

Council Member Dutson MOVED to schedule a public hearing for the purpose of receiving public comment on the proposed landfill for Thursday, July 12, at 7:00 p.m. at the Delta City Council Chambers. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson asked if there was any further discussion on the motion. There being none, he called for a vote. The motion carried unanimously.

COUNCIL MEMBER NEIL DUTSON: DISCUSSION REGARDING CITY SERVICES RENDERED OUTSIDE THE CITY LIMITS

Council Member Dutson voiced his concern on the cost to Delta City residents for the City services that are provided to County residents. Some of the services involved are police protection, fire protection, water and sewer services. Council Member Dutson then proposed to the Council that a study be conducted on the services provided those businesses and residents just west of the Delta City limits and examine any possible means of recouping some of the costs for those services.

Attorney Peterson explained that the County is providing some services such as fire and police dispatch for Delta City that should be considered in the analysis as these services would be expensive for Delta City to assume.

Council Member Jenkins suggested the City review the cost of the water and sewer and the possibility of increasing the fees for all services outside the City limits.

Mayor Nielson asked what the legal issues would arise if the City discontinued water and sewer services to areas outside the City limits.

Attorney Peterson told the Council that there is some significant problems with the water system outside of the City limits. The water system in Lyman

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Row and Sugar Factory Row area both are substandard and below the state specifications, especially in the Sugar Factory Row area. The water line there is the old cast iron line, which is deteriorating rapidly. The City faces some rather serious liability problems in supplying water to those areas without the system being brought up to standard.

He said, there are two approaches to improving these systems. One approach is to require the property owners receiving water services to bring their system up to standard or refuse further service. The second approach is to charge a sufficient amount so that some of the fee could be placed into a capital budget for system improvement.

Council Member Jenkins recommended the Council review the cost of the water and sewer services outside the City limits and possibly increase the funds significantly to completely pay for the services, plus an additional amount to be placed into a capital replacement fund. Mayor Nielson stated he felt the Council should protect the residents inside the City limits from having to pay for a replacement system or new pipeline in the areas outside the City limits for water and sewer services.

Attorney Peterson stated the Lyman Row water system is not up to the requirements of water flow for fire protection in that area. There was further discussion regarding this issue, but no Council action was taken. It was the opinion of the Council that more research was needed on this matter, and it should be placed on the agenda again in two weeks for further discussion.

COUNCIL MEMBER NEIL DUTSON: DISCUSSION OF LETTER TO MILLARD COUNTY  
REGARDING DELTA CITY'S NEW FIRE TRUCK

Council Member Dutson stated that he was under the impression that the new Delta City fire truck, which was purchased with IPA funds, was to be used exclusively within the City limits. He stated he has since been informed that this is not the case.

Mayor Nielson explained that during the negotiation for the funding of the fire truck, this idea was brought up by IPA. He said that the IPA representatives did not want the new fire truck out in the County if they had a fire out at the White Sage high density residential area, while the truck was out in the County. The County became aware of the possibility of restricting the new fire truck to the City limits and they approached IPA and convinced them this was not a fair approach to be taken regarding the use of the new fire truck.

City Manager Jim Allan stated that during the negotiations with IPA, the purpose for the purchase of the fire truck was major fires that may occur within the White Sage area. The equipment was to deal with fires within the City and was not to be used in the County. IPA had provided Millard County with funding for their fire protection needs.

Council Member Dutson stated a letter from Al Pitzer addressed to the Mayor has stated that the new fire truck can and should be used in the County.

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Mayor Nielson noted that Mr. Pitzer had not been present during the negotiation.

Following a lengthy discussion regarding the fire protection budget for 1984-85, Council Member Craig Greathouse MOVED the Council authorize City Manager Jim Allan to draft a letter to Millard County indicating to them the City's request for the County's participation in the 1984-85 budget for fire protection, based on the actual cost formula rather than the negotiated settlement as has been the case in the past, and that the letter be presented to the Council for approval prior to its being mailed. The motion was SECONDED by Council Member Kjell Jenkins. The motion carried unanimously.

PARKS AND RECREATION DIRECTOR, LAURA BURNHAM: DISCUSSION REGARDING A PARK ALCOHOL ORDINANCE AND WAIVER OF CURFEW FOR PARKING LOT DANCE ON JULY 4

Miss Burnham proposed that the curfew for those 18 years and under be changed to 1:30 a.m. on July 4. Miss Burnham explained to the Council there is a dance for teens and older scheduled in the regional park on the 4th of July. The dance will not start until 10:30 due to other activities that will be taking place for the July 4 celebration, and will run until 1:30 a.m. She then proposed the Council waive the curfew for those 18 years and under from 12:00 p.m. to 2:00 a.m. This would allow those who attend the dance to be home before curfew. It was the opinion of the Council to waive the 12:00 p.m. curfew for those 18 years and under for July 4 and set the curfew for that one day to 2:00 a.m.

Attorney Peterson explained to the Council that the curfew ordinance is so written that it does not allow the Council to waive the hour of curfew. It would require an amendment to the ordinance to accomplish that action. He said the alternative is for each minor to obtain a permit from the Chief of Police. This could be handled by the tickets to the dance containing a permit from the chief to extend the curfew. It was recommended by the Council that the Police Chief and the Parks Director work out a procedure to extend the curfew for the July 4 dance.

The next item Miss Burnham discussed with the Council was the need for an alcohol ordinance at the regional park. Miss Burnham stated when she was hired as the Parks Director, she was under the impression there was an ordinance already in existence controlling alcohol in city parks. Since that time, however, she has discovered there is no such ordinance. Miss Burnham further stated she has included in the code of conduct and restrictions within the park that there is an alcohol ordinance stating that no alcoholic beverage can be present or consumed within the park area.

Miss Burnham then requested the Council authorize Attorney Peterson to prepare an ordinance for adoption. Council Member Don Dafoe informed Miss Burnham that the Council was aware of the need for an ordinance controlling alcohol in the park and had already instructed Attorney Peterson to prepare the ordinance.

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Mayor Nielson then thanked Miss Burnham for her attendance at the meeting and for her concern for the activities within the regional park and complimented her on the job she is doing as the parks and recreation director.

CITY ENGINEER JOHN QUICK: SET SCHEDULE FOR SEWER LAGOON BID OPENINGS

City Manager Jim Allan explained that City Engineer John Quick was unable to be at the meeting, but that he had spoken to Mr. Quick earlier in the day and they had agreed to have the bid opening for Sewer Improvements Project, Phase III scheduled for July 12 at 2:00 p.m. in the conference room at the City Building.

Following a brief discussion, the Council agreed to this date.

CITY MANAGER JIM ALLAN: TENTATIVE BUDGET FOR FISCAL YEAR 1984-85 AND BUDGET AMENDMENT FOR FISCAL YEAR 1983-84

City Manager Jim Allan presented each of the Council with a copy of the tentative budget.

Mr. Allan reviewed in detail the revenue section of the tentative budget with the Council. He then explained to the Council there were four departments that had had an overall cut in their budget, and asked the Council if they felt there were any other cuts that should be made prior to the adoption of the budget.

Council Member Dafoe commented that he did not feel it necessary to budget \$5500 for a word processor for the Recorder's Department. Council Member Craig Greathouse agreed with Council Member Don Dafoe on cutting the \$5500 word processor from the Recorder's Department. City Manager Allan told the Council he had talked with IBM and they have assured him the word processor unit requested by the Recorder can be acquired for the \$5500 and the money for the unit can come from federal revenue sharing.

Council Member Don Dafoe stated the City has one word processing unit and questioned the need for a second. City Manager Allan explained that the word processing unit the City has is not working and although there have been several attempts to get it repaired, as of this date the unit is still not working.

Mr. Allan further stated that because of the City Recorder's responsibilities, he felt it was necessary for the department to have a letter quality word processor for the recorder and the other unit, if it is repaired, could then be used for general office work. This would also allow the City to eliminate one of the typewriters that have been budgeted for in City Hall.

Council Member Greathouse expressed his concern regarding the total salaries for Delta City employees, further stating that for the next two years there is no problem because of the financial assistance being received from IPA. However, down the road, these proposed high salaries could create some

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problems for the Council, especially the salaries in the police department, he said. He said he didn't want the City in a position where they could not meet its salaries for its employees when the monies from IPA were no longer received.

City Manager Allan explained that the merit increases that have been indicated in the various departments that the Council has reviewed is not a carte blanche to allow those merit increases. Each individual will be evaluated separately and recommendations made. It will then be up to the Council to deny or approve that particular merit increase.

Council Member Don Dafoe requested explanation for the procedure that will be used for the purchase of capital equipment items, and asked if the department will be allowed to purchase capital items requested if the budget is approved, or whether the purchase of each capital item have to be approved by the Council prior to its purchase.

City Manager Jim Allan explained that all the capital items would be purchased only with approval of the Council prior to their purchase.

Following further discussion of the budget, Council Member Don Dafoe MOVED to adopt the general fund tentative 1984-85 fiscal year budget. The motion was SECONDED by Council Member Ruth Hansen. Mayor Nielson asked if there were any other comments regarding the budget. There being none, he called for a vote on the motion. The motion carried unanimously.

City Manager Jim Allan reminded the Council that the Public Hearing regarding this tentative budget had been scheduled for July 2, 1984.

#### WATER AND SEWER FUND BUDGETS

City Manager Jim Allan explained to the Council that during preparation of the 1984-85 projected water department budget, it has become apparent that there were not sufficient revenues presently being generated for maintenance of the Delta City water utility department. There are three options available to the Council to offset these deficit figures.

1. Increase the users fees for all users and equalize multiple users with single residents users.
2. Impose a proportionate share, overall increase.
3. Eliminate the depreciation allowance in the fiscal 1983-84 budget and in the projected 1984-85 budget.

After thoroughly reviewing the three options, Council Member Kjell Jenkins MOVED that the Council approve option one to increase the users fees for all users and authorize Attorney Peterson to prepare a resolution approving a rate increase of \$4.50 per 8,000 gallons for D classified dwellings, a rate increase of \$2.00 per 8,000 gallons for all users and and increase in the overage rates from \$.30 per 1,000 gallons for all water used over 8,000 gallons per month to \$.35 per 1,000 gallons. The motion was SECONDED by



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Council Member Don Dafoe. Mayor Nielson asked if there was any further discussion on this motion. There being none, he called for a vote. The motion carried unanimously.

City Manager Jim Allan discussed the sewer utility fund projected budget of \$187,793. He explained the projected expenditures equal \$187,793. The present rates would only generate revenues of \$136,793, for a shortfall of \$51,000. There are two options to cover this shortfall. First, a rate increase of \$2.50 per month for all users. This will increase residential users from \$4.00 per month to \$6.50 per month. Second, eliminate the depreciation allowance in the amount of \$39,103 in the 1984-85 projected sewer budget and the use the projected depreciation already charged against the fiscal 1983-84 budget of \$27,103 to satisfy capital improvements in the 1984-85 budget. This option would also necessitate making a transfer to the reserve as spelled out in the line item 7174 of the 1983-84 budget of \$5,000. Mr. Allan then stated he did not feel option two was a viable option, since no provision is made for future capital improvement programs as is needed for the existing sewer collection system.

After a brief discussion of the two options, Council Member Kjell Jenkins MOVED to authorize Attorney Peterson to prepare a resolution increasing residential user rates for the sewer fund to \$6.50 per month. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson asked if there were any further discussion on the motion. There being none, he called for a vote. The motion carried unanimously.

Following further discussion of the water and sewer projected budgets for 1984-85, Council Member Craig Greathouse MOVED the Council adopt the tentative water and sewer utility fund budget for the fiscal year 1984-85. The motion was SECONDED by Council Member Neil Dutson. The motion carried unanimously.

City Manager Jim Allan told the Council a public hearing needed to be scheduled regarding the amendments to the 1983-84 budget. Council Member Don Dafoe MOVED the Council schedule a public hearing on June 29 at 5:00 p.m. for the purpose of receiving public input on the proposed amendments to the 1983-84 fiscal year budget. The motion was SECONDED by Council Member Kjell Jenkins. Mayor asked if there was any further discussion on the amended budget or the motion. There being none, he called for a vote. The motion carried unanimously.

Mayor Nielson said that the agenda items were completed and asked if there were any other business.

Council Member Greathouse questioned what the City does to enforce its zoning ordinance, and further explained there are some residents at Delta Estates that have made an official complaint regarding the building of corrals and moving horses into those corrals within the Delta Estates area.

Attorney Peterson explained the applicable ordinance.

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Mayor Nielson asked if there were any other items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Kjell Jenkins. The motion carried unanimously. Meeting adjourned at 11:37 p.m.

  
Grant S. Nielson, Mayor

Attest:

  
Dorothy Jeffery  
Delta City Recorder

MINUTES OF A PUBLIC HEARING HELD JUNE 29, 1984

PRESENT

Grant Nielson  
Don Dafoe  
Kjell Jenkins  
Ruth Hansen

Mayor  
Council Member  
Council Member  
Council Member

ABSENT

Neil Dutson  
Craig Greathouse

Council Member  
Council Member

OTHERS PRESENT

Jim Allan  
Warren Peterson  
Dorothy Jeffery  
Greg Cooper  
Glen Swalberg  
Greg Nielson

City Manager  
City Attorney  
City Recorder  
Chief of Police  
Delta Area Chamber of Commerce Pres.  
Robison, Hill & Co., Accountant

Mayor Nielson called the meeting to order at 5:00 p.m. and explained that notice of the time, place and purpose of the Public Hearing had been duly advertised in the Millard County Chronicle and posted at the Delta City Office. He further stated that the purpose of the Public Hearing was to receive public comment regarding the proposed amendments to the 1983-84 fiscal year budget as tentatively approved by the Delta City Council.

Mayor Nielson then read the Public Hearing Notice which states, "Notice is hereby given that the City Council of the City of Delta, Utah has scheduled a Public Hearing on Friday, June 29, 1984, at 5:00 p.m. in the Council Chambers, located at 76 North 200 West, for the purpose of receiving public comment on the proposed amendments to the 1983-84 fiscal year budget as tentatively approved by the City Council."

Mayor Nielson then opened the meeting for public comment. City Manager Jim Allan reviewed the amended budget in detail with the Council, after which